

## ORDINANCE 14-06

### AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, GOVERNING FOOD VENDORS WITHIN THE CITY OF WESTFIELD

**WHEREAS**, the City of Westfield, Indiana (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and

**WHEREAS**, it is the duty and the responsibility of the Council to support and ensure that the City’s Economic Development Policy is upheld;

**NOW, THEREFORE, BE IT ORDAINED** that this Westfield City Common Council meeting hereby enacts the following provisions pertaining to the vending and sale of food and related products within the City.

**SECTION I: Definitions.** The following definitions shall apply to this Ordinance 14-06 (the “Ordinance”).

1. **“City Council Events”** shall include the events listed within Exhibit A of the Ordinance. Exhibit A is designed to be amended from time to time by the Council.
2. **“Economic Development Policy”** consists of the following objectives:
  - A. To retain and support the sustainability of existing businesses;
  - B. To create a robust economic environment and diversify the City’s tax base, specifically within the vicinity of Grand Park;
  - C. To foster and encourage public-private partnerships; and
  - D. To provide quality recreational opportunities within the City.
3. **“Event Holder”** shall be a person, group, or organization responsible for the hosting or operation of a City Council Event.

4. **“Food Vendors and Food Vending”** shall include the display or offering of food or beverages for sale. Food Vendors shall include the following:
  - A. Food Stands. Any structure used for preparation, display, sale or offering of food or beverages for sale. Food Stands shall not include structures owned by the City;
  - B. Food Vending Pushcarts. Any box or container with wheels that is not propelled or moved by an engine used for the purpose of selling food or beverages; and
  - C. Mobile Concession Vendors. Self-contained, mobile vehicles that are propelled or moved by an engine from which food, beverages, or other goods are sold. Mobile Concession Vendors shall not include food delivery services that deliver food or beverages ordered by a purchaser to a specific address provided by the purchaser (e.g. pizza delivery, catering, etc.).
5. **“Grand Park Area”** shall be the geographic area as identified on Exhibit B.
6. **“Ice Cream Truck”** shall include motor vehicles from which ice cream, popsicles, ice sherbets, frozen desserts or other similar items are sold.
7. **“Large Employer”** shall include businesses within the City’s corporate limits that have a minimum of twenty-five (25) employee’s on site daily during the work week.
8. **“Neighborhood Party”** shall mean an event held within a particular neighborhood, specifically for the residents of that neighborhood, typically limited to one (1) day or one annual or periodic event.
9. **“Non-Incorporated Children’s Stands”** shall mean a non-incorporated business that is commonly owned and operated by a child or children to sell lemonade or other beverages (e.g. iced tea, coffee, hot chocolate, etc.) and possibly snack foods (e.g. cookies, etc.).

## **SECTION II: Applicability.**

1. Food Vendors shall obtain all applicable approvals and permits, and shall follow all applicable processes as required by the City and the Event Holder.
2. Food Vendors shall comply with all local, state, and federal laws, regulations and ordinances.

**SECTION III: Food Vending.** No Food Vending shall be permitted within the City except in accordance with this Section.

1. Food Vending shall be permitted within all City Council Events.
2. Large Employers. Large Employers shall be permitted to host Food Vendors in accordance with the following provisions:
  - A. The Food Vendor shall obtain permission from or be invited by the Large Employer to conduct Food Vending activities;
  - B. The Food Vendor shall be located on property owned by the Large Employer;
  - C. Food Vending activities shall be limited to providing meals to employees of the Large Employer;
  - D. The Food Vending activities shall be consistent with the City's Economic Development Policy; and
  - E. The Food Vending activities shall be located outside of the Grand Park Area.
3. The following Food Vending activities shall be permitted if located outside of the Grand Park Area and if located within residential neighborhoods:
  - A. Neighborhood Party;
  - B. Ice Cream Trucks; and
  - C. Non-Incorporated Children's Stands.

**SECTION V: Temporary Uses and Events Permit Not Required.** No Temporary Uses and Events Permit shall be required for Food Vendors regulated by WC 16.04.095.

**SECTION VI: Penalty.**

1. Any person, firm, organization, or corporation who violates this Ordinance shall be subject to a fine of not less than twenty-five dollars (\$25.00) and no more than three hundred dollars (\$300.00) for each offense.
2. A separate offence shall be deemed committed upon each day during which a violation occurs or continues.

**SECTION VII: Effective Date.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

ADOPTED AND PASSED THIS XX DAY OF MONTH, 2014, BY THE  
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD COMMON COUNCIL**  
**Hamilton County, Indiana**

**WESTFIELD COMMON COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Jim Ake

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Jim Ake

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Jim Ake

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Charles Lehman

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Charles Lehman

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Charles Lehman

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Bob Smith

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Bob Smith

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Bob Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert Stokes

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Robert Stokes

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Robert Stokes

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer  
City of Westfield, Indiana

I hereby certify that Ordinance 14-06 was delivered to the Mayor of Westfield  
on the \_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_:\_\_\_\_ \_\_.m.

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Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 14-06  
this \_\_\_\_ day of \_\_\_\_\_, 2014.  
at \_\_\_\_:\_\_\_\_ \_\_.m.

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J. Andrew Cook, Mayor

I hereby VETO Ordinance 14-06  
this \_\_\_\_ day of \_\_\_\_\_, 2014.  
at \_\_\_\_:\_\_\_\_ \_\_.m.

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J. Andrew Cook, Mayor

This document prepared by:  
Sarah L. Reed, AICP  
City of Westfield  
Economic and Community Development  
317-503-1220

DRAFT Ordinance 14-06  
Food Vendors

## **Exhibit A: City Council Events**

- Westfield Parks and Recreation Hosted Events
- Westfield Public Safety Hosted Events
- Westfield-Washington School District Hosted Events
- Downtown Westfield Association Hosted Events
- Builders Association of Greater Indianapolis (“BAGI”) Hosted Events
- Westfield Rotary Hosted Events
- Lions Club Hosted Events
- Hamilton County: Cool Creek Park Events
- Relay For Life
- Westfield Farmers Market

## Exhibit B: Grand Park Area

